

# MONTANA CHEMICAL DEPENDENCY CENTER POLICY AND PROCEDURE MANUAL

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<b>Policy Subject: Americans' With Disabilities Act (ADA)</b>	
<b>Policy Number: ADP 01</b>	<b>Standards/Statutes: ARM 37.27.108</b>
<b>Effective Date: 01/01/2002</b>	<b>Page 1 of 3</b>

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**PURPOSE:** To comply with the American with Disabilities Act

**POLICY:** The American With Disabilities Act (ADA) provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs and telecommunications. Title II states, in part, that “no qualified individual with a disability will, on the basis of disability, be excluded from participation in, or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.”

**PROCEDURE:**

- A. DPHHS has adopted this complaint resolution procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA.

Any individual, including current state employees, state applicants, or members of the public, who believes that she or he or a specific class of individuals with disabilities has been subject to unlawful discrimination on the basis of that disability by DPHHS may by herself or himself or by an authorized representative, file a complaint.

Complaints or questions related to ADA should be addressed to: DPHHS Human Resources, ADA Coordinator, P.O. Box 4210, Helena, MT 59604, 406-444-3436, who has been designated to coordinate ADA compliance efforts.

**B. Complaints:**

1. **A complaint must be filed in writing and contain:**
  - A. **The name, address and telephone number of the individual or representative filing the complaint,**
  - B. **An explanation of the discrimination or denial of service;**
  - C. **The date the alleged violation(s) occurred;**
  - D. **Corrective action that is sought;**
  - E. **A signature of the person filing the complaint.**
2. **A standard complaint form is available from the ADA coordinator. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.**
3. **The complaint must be received within 20 calendar days after the alleged violation occurs. This time may be extended for good cause shown as determined by the ADA coordinator.**
4. **The ADA coordinator or designee will promptly conduct an investigation of the complaint. Interested parties will be provided an opportunity to submit information relevant to a complaint.**
5. **The ADA coordinator, or a designee, will respond in writing to the person filing the complaint no later than 20 calendar days after the completion of the investigation.**
6. **DPHHS will maintain the files and records relating to the complaint and its investigation according to the record retention schedule for personnel documents found in the Montana Operations Manual (MOM).**
7. **Nothing in this complaint resolution procedure will be construed as preventing an individual from pursuing other remedies including filing a formal complaint with the Montana Human Rights Commission, any federal agency the individual believes is appropriate, or with the U.S. Department of Justice. The time limit for filing a formal complaint is 180 days after the alleged incident. This procedure also does not preclude the individual's right to file a lawsuit in federal district court.**

8. A grievance alleging discrimination is not obligated to utilize or exhaust an administrative grievance process in order to exercise their right to file a complaint with the following:

Office of Civil Rights  
U.S. Department of Health and Human Services  
Federal Office Building  
1961 Stout Street, Room 1426  
Denver, CO 80294-3528  
Phone Number: (303) 844-2024  
TDD Number: (303) 844-3439

This policy will be followed unless it conflicts with negotiated labor contracts, which will take precedence to the applicable extent.

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Revisions: 3/10/04

Prepared By: Rona McOmber PIUM 3/10/04  
Name Title Date

Approved By: David J. Peshek, Director, Montana Chemical Dependency Center Date